Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims.

1. (Currently Amended) An isolated ~~polynucleotide~~ nucleic acid molecule comprising a ~~member~~ polynucleotide ~~selected from the group consisting of:~~

~~(a) a polynucleotide~~ encoding ~~the polypeptide as set forth in Figure 1~~ amino acid residues 1 to 249 of SEQ ID NO:2

~~(b) a polynucleotide which encodes a mature polypeptide having the amino acid sequence expressed by the DNa contained in ATCC Deposit No. _____;~~

~~(c) a polynucleotide capable of hybridizing to and which is at least 70% identical to the polynucleotide of (a) or (b); and,~~

~~(d) a polynucleotide fragment of the polynucleotide of (a) or (b), or (c).~~

2. (Canceled).

3. (Currently Amended) A recombinant vector ~~containing the polynucleotide~~ comprising the isolated nucleic acid molecule of claim 1.

4. (Original) A host cell genetically engineered with the vector of claim 3.

5-6. (Canceled).

7. (Currently Amended) A polypeptide selected from the group consisting of (i) a polypeptide having the deduced amino acid sequence of SEQ ID NO:2 and fragments, analogs and derivatives thereof; and (ii) a polypeptide encoded by the cDNA of ATCC Deposit No. 97163 [[_____]] and fragments, analogs and derivatives of said polypeptide.

8. (Canceled).

9. (Original) An antibody against the polypeptide of claim 7.

10. (Original) A compound which inhibits activation of the polypeptide of claim 7.

11-13. (Canceled).

14. (Original) A process for diagnosing in a patient a disease or a susceptibility to a disease related to an under-expression of the polypeptide of claim 7 comprising:

determining a mutation in a nucleic acid sequence encoding said polypeptide in a sample derived from a patient.

15. (Original) A diagnostic process comprising: analyzing for the presence of the polypeptide of claim 7 in a sample derived from a host.

16. (Original) A method for identifying compounds which is an agonist of the polypeptide of claim 7 comprising:

contacting a cell expressing on the surface thereof a receptor for the polypeptide, said receptor being associated with a second component capable of providing a detectable signal in response to the binding of a compound to said receptor, with a compound under conditions to permit binding to the receptor; and

determining whether the compound binds to and activates the receptor by detecting the presence of a signal generated from the interaction of the compound with the receptor.

17. (Canceled).

18. (New) An isolated nucleic acid molecule complementary to the polynucleotide of claim 1.

19. (New) The isolated nucleic acid molecule of claim 1, wherein the polynucleotide further comprises a heterologous polynucleotide.

20. (New) The isolated nucleic acid molecule of claim 19, wherein said heterologous polynucleotide encodes a heterologous polypeptide.

21. (New) The recombinant vector of claim 3, wherein the nucleic acid molecule is operably associated with a heterologous regulatory sequence that controls gene expression.

22. (New) A method of producing a recombinant vector comprising inserting the isolated nucleic acid molecule of claim 1 into a vector.

23. (New) An isolated nucleic acid molecule comprising a polynucleotide encoding at least 30 contiguous amino acid residues of SEQ ID NO:2.

24. (New) The isolated nucleic acid of claim 23, wherein the polynucleotide encodes at least 50 contiguous amino acid residues of SEQ ID NO:2.

25. (New) An isolated nucleic acid molecule complementary to the polynucleotide of claim 23.

26. (New) The isolated nucleic acid molecule of claim 23, wherein the polynucleotide further comprises a heterologous polynucleotide.

27. (New) The isolated nucleic acid molecule of claim 26, wherein said heterologous polynucleotide encodes a heterologous polypeptide.

28. (New) A recombinant vector comprising the isolated nucleic acid molecule of claim 23.

29. (New) The recombinant vector of claim 28, wherein the nucleic acid molecule is operably associated with a heterologous regulatory sequence that controls gene expression.

30. (New) A method of producing a recombinant vector comprising inserting the isolated nucleic acid molecule of claim 23 into a vector.

31. (New) An isolated nucleic acid molecule comprising a polynucleotide encoding the Human Hepatoma Derived Growth Factor-2 (HDGF-2) polypeptide encoded by the cDNA contained in the plasmid in ATCC Deposit No. 97163.

32. (New) An isolated nucleic acid molecule complementary to the polynucleotide of claim 31.

33. (New) The isolated nucleic acid molecule of claim 31, wherein the polynucleotide further comprises a heterologous polynucleotide.

34. (New) The isolated nucleic acid molecule of claim 33, wherein said heterologous polynucleotide encodes a heterologous polypeptide.

35. (New) A recombinant vector comprising the isolated nucleic acid molecule of claim 31.

36. (New) The recombinant vector of claim 35, wherein the nucleic acid molecule is operably associated with a heterologous regulatory sequence that controls gene expression.

37. (New) A method of producing a recombinant vector comprising inserting the isolated nucleic acid molecule of claim 31 into a vector.

38. (New) An isolated nucleic acid molecule comprising a polynucleotide encoding at least 30 contiguous amino acid residues of the HDGF-2 polypeptide encoded by the cDNA contained in the plasmid in ATCC Deposit No. 97163.

39. (New) The isolated nucleic acid of claim 38, wherein the polynucleotide encodes at least 50 contiguous amino acid residues of the HDGF-2 polypeptide encoded by the cDNA contained in the plasmid in ATCC Deposit No. 97163.

40. (New) An isolated nucleic acid molecule complementary to the polynucleotide of claim 38.

41. (New) The isolated nucleic acid molecule of claim 38, wherein the polynucleotide further comprises a heterologous polynucleotide.

42. (New) The isolated nucleic acid molecule of claim 41, wherein said heterologous polynucleotide encodes a heterologous polypeptide.

43. (New) A recombinant vector comprising the isolated nucleic acid molecule of claim 38.

44. (New) The recombinant vector of claim 43, wherein the nucleic acid molecule is operably associated with a heterologous regulatory sequence that controls gene expression.

45. (New) A method of producing a recombinant vector comprising inserting the isolated nucleic acid molecule of claim 38 into a vector.

Remarks

Applicants have herein canceled claims 2, 5, 6, 8, 11-13, and 17, without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Applicants have herein amended claim 7 to include reference to ATCC Deposit Number 97163 (deposited May 24, 1995). *See*, Preliminary Amendment, page 4, fourth paragraph (filed November 15, 2001). Applicants have also amended claims 1 and 3 and added new claims 18-45 to expand the embodiments of the provisionally elected subject matter.

Support for the new and amended claims can be found in the specification, figures, and claims as originally filed. For example, support for the new claims may be found in the specification at: page 9, first paragraph (polynucleotides encoding polypeptide of SEQ ID NO:2/ATCC Deposit); page 3, second paragraph (complementary polynucleotides); page 6, second paragraph to page 7, first paragraph, and page 14, last sentence to page 15, first sentence (heterologous polynucleotides); page 11, third paragraph to page 15, third paragraph (recombinant vectors); page 12, first paragraph (regulatory control sequences); and, page 5, penultimate paragraph; page 10, second paragraph (polynucleotides encoding 30 and 50 contiguous amino acids). Thus, no new matter has been added by the amendments made herein.

Upon entry of the present amendments, claims 1, 3, 4, 7, 9, 10, 14-16, and 18-45 will be pending.

Provisional Election With Traverse

A restriction requirement has been issued separating original claims 1-17 into eight different groups. *See*, Paper No. 082603, page 2. To comply with the pending restriction requirement, Applicants herein provisionally elect, *with traverse*, the claims restricted to Group I (*i.e.*, originally filed claims 1 and 3 and new claims 18-45); drawn to polynucleotides.

Applicants respectfully traverse the present election requirement.

A restriction requirement should not be imposed unless it can be shown that the search and examination of all groups would entail a "serious burden." M.P.E.P. § 803. In this regard, Applicants submit that a search of the polynucleotide claims would provide useful information for the claims in each of the other related groups. For example, a

search of the polynucleotide claims would also provide useful information pertaining to the polypeptide encoded by said polynucleotide. In turn, references disclosing polynucleotides and polypeptides would also provide useful information pertaining to genetically engineered cells containing the polynucleotide, diagnostic methods relating to the polynucleotide and polypeptide, antibodies, antagonists, and methods of screening for antagonists and agonists. Therefore, since a search of the claims of Group I would overlap with a search of Groups II-VIII, a search encompassing the subject matter of all eight groups would not entail a serious burden. Accordingly, Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,

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